

REMARKS

The Office Action of June 25, 2008 has been received and carefully reviewed. It is submitted that, by this Amendment, all bases of rejection and objection are traversed and overcome. Upon entry of this Amendment, claims 18, 19, 21-28 and 38-43 remain in the application. Claims 1-17 and 29-37 have been withdrawn. Claims 1-17 and 20 are cancelled herein without prejudice. Basis for the amendments to claims 18 and 28 can be found throughout the specification, at least from page 4, line 7 to page 5, line 4; page 5, lines 19-29; from page 6, line 25 to page 7, line 10; page 8, lines 6-24; page 12, lines 17-29; and cancelled claim 20. Reconsideration of the claims is respectfully requested.

Claims 18-20 and 38-41 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Koerner et al. (U.S. Patent Application Publication No. 2004/0195352). Claims 21-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Koerner et al. in view of Poole (U.S. Patent No. 6,158,431).

Claims 26-28, 42 and 43 are allowable but stand objected to as being dependent upon a rejected based claim. The Examiner indicated that these claims would be allowable if rewritten in independent form, including all of the limitations of the base and any intervening claims. These claims have been so rewritten. As such, it is submitted that these claims are now in condition for allowance.

Applicants' invention as recited in amended claim 18 relates to a medication delivery apparatus. The apparatus comprises: a reservoir, a fluid conduit, and an ejector head which form a fluidically connected fluid delivery unit controlled by a programmable controller. The fluid delivery unit is capable of operating in a first operational mode and a second maintenance mode.

In contrast, Koerner discloses a microdosing device that has both an atomizing unit 1 for delivering a dosing of a liquid quantity of medication and a drying function unit 11 (see Koerner, Figure 1). The drying function unit 11 rids the device of liquid residues left over from dosing by the atomizing unit 1. The drying function unit 11 operates by piezoelectric vibration, heat, or other means to rid the device of

liquid residue. Each possible form of the drying function unit 11 is a separate unit from the atomizing unit 1. In the embodiments specifically described, the drying function unit 11 is either a piezoelectric actuator or a heater.

In contrast, Applicants' invention as recited in claim 18 relates to a fluid delivery unit in a medication delivery apparatus. The fluid delivery unit operates in two modes, the operational mode and the maintenance mode. In the first operational mode, the fluid in the ejector head and the fluid conduit is at a lower pressure relative to the fluid in the reservoir. In the second maintenance mode, the ejector head is disabled, and the valve is opened to create positive pressure throughout the reservoir, the fluid conduit and the ejector head. In the second maintenance mode, the positive pressure purges out all remaining fluid from the fluid delivery unit by way of the disabled ejector head. The positive pressure for the second maintenance mode is other than a pressure actuated by a piezo or thermal resistive element.

Thus, Applicants are able to purge out remaining liquid in the fluid delivery unit left over from the normal operation of delivering medication through the apparatus. They are able to do this through changing relative pressure within the fluid delivery unit by disabling the ejector head and opening the valve in the fluid conduit. The maintenance mode does not require an outside unit to actuate vibration or heat within the fluid delivery unit, as in Koerner. By the same token, the changing of relative pressure in the fluid delivery unit in the maintenance mode does not require either piezo or thermal resistive elements that may otherwise be used to deliver the drops of medication during the operational phase of the fluid delivery unit.

Koerner does not teach or suggest Applicants' invention as recited in the claims. Poole does not supply the deficiencies of Koerner, and thus, the combination of Poole with Koerner does not render Applicants' invention as recited in the pending claims unpatentable.

For all the reasons stated above, it is submitted that Applicants' invention as defined in independent claims 18 and 38, and in those claims depending ultimately

therefrom, is not anticipated, taught or rendered obvious by the cited references, either alone or in combination, and patentably defines over the art of record.

In summary, claims 18, 19, 21-28 and 38-43 remain in the application. It is submitted that, through this Amendment, Applicants' invention as set forth in these claims is now in a condition suitable for allowance.

Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact Applicants' Attorney at the below-listed telephone number.

Respectfully submitted,

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